

March 18, 2004

MEMORANDUM

TO: Potential Service Providers

FROM: Steve Walkley, Division Director
Workforce Development Division

SUBJECT: Request for Proposals (RFP) for Statewide Marketing of Alabama's
Career Center System

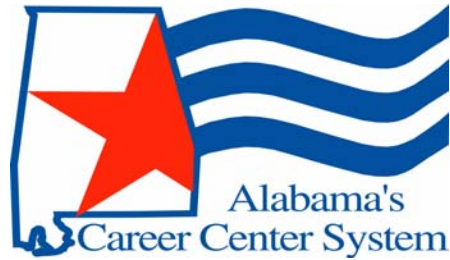
In order to make employers and program participants more aware of the services available through Alabama's Career Center System, the Alabama Department of Economic and Community Affairs, Workforce Development Division is seeking the services of a professional marketing agency.

All interested entities should complete and submit proposals in accordance with the instructions and due dates (no later than April 30, 2004, 4 p.m. local time) as specified in the attached RFP.

The Workforce Development Division reserves the right to reject any or all proposals. Acceptance and funding of all proposals is contingent upon the availability of Federal funds provided under the Workforce Investment Act.

SW:BEH:sad

Attachment



STATE OF ALABAMA
DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS (ADECA)

REQUEST FOR PROPOSALS
FOR THE
WORKFORCE INVESTMENT ACT (WIA)

WORKFORCE DEVELOPMENT DIVISION (WDD)

ACTIVITIES:

Statewide Marketing of Alabama's
Career Center System

Equal Opportunity Employer/Program			
BOB RILEY GOVERNOR STATE OF ALABAMA	STEVE WALKLEY DIVISION DIRECTOR Workforce Development Division 401 Adams Avenue Post Office Box 5690 Montgomery, Alabama 36103-5690	JOHN D. HARRISON DIRECTOR ADECA	TIM ALFORD DIRECTOR Office of Workforce Development

NOTICE OF REQUEST FOR PROPOSALS FOR
Marketing and Public Relations Services

Purpose:

This Request for Proposals (RFP) is issued by the Alabama Department of Economic and Community Affairs (ADECA), Workforce Development Division (WDD), in order to procure the services of a qualified marketing and public relations consultant/agency, to provide assistance to this organization in our efforts to expand statewide awareness of employers and workforce development program participants and to increase Workforce Investment Act (WIA) program participation. The selected proposer will submit a proposal that expands our statewide marketing strategies to move beyond what is currently in place through the utilization of TV, radio, and other media. The proposal will also address the tasks of coordinating the agency's current resources including Brochures, etc., and may include other strategies the proposer may suggest. Coordination with each of the three local workforce areas will be necessary to ensure that the statewide efforts are compatible with local areas' marketing/public relations efforts.

Issuing Entity:

This RFP is issued and is being coordinated by ADECA/Workforce Development Division.

Offerors who choose to **mail** (via the postal system) proposals should use the following address:

Alabama Department of Economic and Community Affairs
Workforce Development Division
Marketing RFP
P.O. Box 5690
Montgomery, Alabama 36103-5690

Those who choose to use a **commercial carrier and/or hand delivery** should use the following address:

Alabama Department of Economic and Community Affairs
Workforce Development Division
Marketing RFP
ATTN: Ms. Symphony DeLaine
401 Adams Avenue
Room No. 364
Montgomery, Alabama 36104

Questions:

Any questions regarding the RFP package and the overall procurement process should be directed to **Bill Hornsby, WDD, (334) 242-5847 or email: billh@adeca.state.al.us**. (E-mailing of questions is preferred).

Response Deadline:

Proposals in response to this RFP must be received by the WDD, at the above address (either postal service, private courier, or hand delivery), no later than **4:00 PM CDT (local prevailing time) on April 30, 2004**. Late proposals will not be given the same priority as those received by the specified due date and time, and

postmarks will not be considered in meeting this requirement. (Late proposals will only be considered if none of those received on time meet the criteria contained in the RFP.)

All costs incurred in the preparation of a response to this RFP are the responsibility of the responder and will not be reimbursed by the WDD. Responders are responsible for the method(s) of delivery (U.S. Postal Service, commercial courier, hand delivery, etc.) and adherence to the deadline date.

One original and Four (4) copies of the proposal should be submitted in a single sealed envelope clearly annotated in the lower left-hand corner with: **Proposal for Marketing/PR**. Information regarding the proposer's fees to perform these services should be included within the proposal package. Profit is required to be negotiated separately, so actual estimated costs of the development and production (no media placement) of proposed TV, radio, and print media, should be itemized with contractor's fee (profit) listed separately. No profit fee greater than the industry average will be allowed during any subsequent negotiations of any final agreement, which may result from this solicitation.

The WDD reserves the right to reject any and all proposals received in response to this RFP. Funding is subject to availability of Federal WIA funds to be used for this project. Any contracts, which may result from this RFP, will comply with all Federal guidelines for the uses of WIA funds. All deliverables are required to be completed within six (6) months of the effective date of the contract with possible negotiations of exact times for delivery.

Amendments to RFP:

The WDD reserves the right to amend the terms and conditions of this RFP, to cancel this RFP (in whole or in part) and to extend the deadline date for responses to this RFP.

Evaluation of Proposals:

Proposals received in response to this RFP will be evaluated in accordance with the criteria delineated in **Attachment A** to this RFP package. The WDD reserves the right to request additional information from responders and to hold oral interviews (to include samples of media previously produced) with responders as an aid in making a final selection. Proposal scores will be considered in selecting a potential provider of these services, in addition to price, responsiveness, and recommendations by the proposal review team.

Award Notification:

Award of the Marketing contract will be made to the proposer who, based on the evaluations of all responses, applying all criteria and oral interviews/presentations of sample marketing, is determined by the proposal review team (which may include members of the State WIA Board) to be the most qualified entity to provide the services. Ultimate approval of the recommended proposer rests with the Governor subsequent to submittal of the professional services contract to the Contract Review Permanent Legislative Oversight Committee for its review at the June meeting (unless the June meeting deadline is not met, then the scheduled July meeting). With the possibility of some time elapsing between the date reviewed by this Committee and the Governor's signature, a startup date of late July or early August is anticipated.

DESCRIPTION OF ENTITY REQUESTING SERVICES

Background:

The Workforce Development Division (WDD) is located within the Alabama Department of Economic and Community Affairs and is responsible for administering funds allocated to the State by the U.S. Department

of Labor under the Workforce Investment Act (WIA). A comprehensive one-stop service delivery system, identified as Alabama's Career Center System, with common logo, has been developed under the leadership of the State WIA Board, appointed by the Governor.

The WDD allocates WIA funds, based on an allocation formula, to three local workforce investment areas (LWIAs) designated by the Governor. These three local areas are the Mobile County LWIA, the Jefferson County LWIA and the 65-county Alabama LWIA. The LWIAs utilize their funding to operate, and contract for the operation of, various job training programs and other employment and training services through the Alabama Career Center System. These programs and services are intended to address the employment and training needs of economically disadvantaged Adults, Youth and Dislocated Workers. The State WIA Board provides policy guidance with respect to the employment and training activities to be conducted in each local area and at the state level. Members of the Marketing Committee of this Board may serve on the review team for all submissions in response to this RFP and the decision will be subject to final approval by the Governor.

The WDD has a Web Site, which can be viewed at www.adeca.state.al.us. Brochures have been developed by each local area that provide general information about current programs, and local areas have utilized limited advertising in local area newspapers to promote current programs. This RFP is issued to secure a proposer to improve and increase utilization and awareness of the Alabama Career Center System and the services and programs primarily available to employers and job seekers as well. The response should provide creative direction to WDD regarding additional advertising/marketing strategies that can be used to enhance and expand the statewide awareness of the programs and services that are offered.

In order to view similar advertising and marketing campaign in other states go to www.naswa.org, click Resource Room, then click on "Marketing and Communications."

A copy of the Workforce Investment Act (WIA) may be viewed by going to the following website: www.doleta.gov/usworkforce/finalrule.txt.

NATURE OF MARKETING SERVICES REQUIRED

WDD is seeking proposals that will outline specific costs associated with each aspect of an expanded marketing and public relations effort. The primary audience for the marketing effort is anticipated to be the business community that is seeking to hire new workers or improve the skills of existing workers. In addition, a lesser part of the marketing program will focus on the unemployed and underemployed in the community. The proposals should provide for, but not be limited to, the following:

- Mail-out letter from the Governor to the Employer Community
- Testimonial letters from employers who utilized the services/programs
- Posters
- Television Ads (Development), copy for production and distribution by a third party*
- Radio spots (Development), copy for production and distribution by a third party*

- Marketing kits for employer relations staff
- Brochures (Employer Oriented)

Note: All marketing media will be distributed by the WDD via other arrangements outside the scope of work for this RFP. (*This RFP does NOT include service for media placement.) Media developed must comply with Federal laws regarding non-discrimination, equal access, etc., and TV/radio media must also be in a format acceptable to the Alabama Broadcasters Association.

CONTRACTUAL ARRANGEMENTS

The contract will contain provisions that include, but may not be limited to: Regular progress reports, nondiscrimination, a prohibition against assignments and provisions for payment upon completion and acceptance of each “deliverable” contracted for as a result of this proposal.

The WDD anticipates the award of a firm fixed-price contract pursuant to this RFP. The proposer shall invoice WDD for the agreed upon fixed price for each “deliverable” following the completion of each task or service agreed upon in the contract. Advance payment is not allowed as part of a contract that utilizes Federal funds without specific prior approval. Profit will be paid as a percentage of costs reported for reimbursement. A 20 percent “hold back” of profit will be retained until final delivery of all negotiated “deliverables.” The WDD reserves the right to approve and accept all “deliverables” prior to payment for same.

RFP RESPONSE FORMAT

Qualified proposers interested in making an offer pursuant to this RFP should use the outline and format delineated in **Attachment B** to this RFP - **Format of the RFP Response** - as the basis for organizing their responding proposals. Proposers should carefully review the information requested in this attachment and following the specified outline for its narrative response(s).

Attachments to this RFP

Attachment A

Attachment B

Required Forms to accompany Proposal Submittals

State of Alabama Disclosure Statement (Mailed out with each RFP)

W-9 Request for Taxpayer Identification Number and Certification (Mailed out with each RFP)

To Potential Service Provider Form (Mailed out with each RFP)

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions (Mailed out with each RFP)

Copy of proposer’s current Alabama Business License (Provided by proposer)

Attachment A**Proposal Evaluation Criteria**

Responsive proposals will be evaluated based upon the criteria outlined in this attachment.

Proposals may be judged *non-responsive* and removed from consideration if:

1. The proposal was received after the established deadline date/time.
2. The proposal does not follow the format specified in Attachment B to the RFP.
3. Preliminary review indicates that the proposing entity does not meet mandatory minimum qualifications as specified in the RFP.
4. The proposer is not licensed to do business in Alabama.

Responsive proposals will be evaluated on the point system delineated here:

Technical Criteria:

A.	Responsiveness of the proposal in clearly stating an understanding of the work to be performed (0-35):	
1)	Comprehensiveness of the work plan	0-20
2)	Realistic time estimates for each major segment of the work plan and the estimated hours for each segment	0-15
B.	Technical Experience of the Proposer (0-20):	
1)	Previous marketing work of the type required in this RFP	0-15
2)	Successful work for similar or related entities	0-5
C.	Timeline proposed for implementation of and completion of work (0-20):	
1)	Adequate resources and proper organization to perform the activities recommended	0-10
2)	Clear presentation regarding the time required to complete each aspect of the marketing plan recommended.	0-10
Total Possible Technical Points.....		0-75

Attachment A (continued)**D. Presentation:**

The top three proposers will be asked to present/describe/show samples of their proposed marketing campaign.

1)	Clearly focused marketing theme	0-15
2)	High quality samples of proposed marketing	0-10
	Total possible presentation score.....	0-25

Note: Considering the Technical score and Presentation score, a proposer will be recommended for approval to move forward with contract negotiations.

To assist in the evaluation and rating of responsive proposals, the WDD reserves the right to request additional information from proposers and to hold oral interviews with proposers to clarify points of interest in proposals regarding qualifications, experience, approach, and costs in order to aid in making a final recommendation for funding, (subject to final negotiations).

Final Selection Determination:

Any contract awarded will be made to the PROPOSER who, based on the evaluation of the technical and cost factors of all responsive proposals, is determined by the Proposal Review Team to be the best qualified to perform the services agreed upon. **Cost factors will be evaluated, but will not be the sole determining factor.** The Proposal Review Team will make a recommendation for funding. Final contract approval rests with the Governor for all professional services contracts.

Attachment B**FORMAT OF THE RFP RESPONSE**

Use the format of this attachment to prepare and submit your response to this RFP. Follow the outline and respond, as appropriate, to each item requesting information and/or assurances.

1) Letter of Response Transmittal

Provide a brief letter on your letterhead that transmits your proposal. Include in the letter the following information:

- A. A summary of your understanding of the services to be provided.
- B. A positive commitment to perform the services within the time period specified in the RFP.
- C. The name, title and phone number of the individual authorized to represent the agency if other than the person signing the letter during the RFP process.

2) Profile of the Proposer

Provide general background information to indicate your qualifications and capabilities for performing the marketing and public relations services requested in this RFP. Include the following information:

- A. The organization and size of your firm, whether it is local, regional, national or international in its operations.
- B. The location of the office from which the work is to be performed.
- C. Any other information, which would assist the review team in understanding your interest and ability in working with the WDD in this capacity.
- D. A copy of your current Alabama Business License.

3) Proposer's Approach to the Process

The proposer should offer a variety of possible actions available to the WDD and indicate the costs associated with undertaking each of those actions. Priority will be given to copy writing and development for the audio, video ads and brochures, and then to the coordination of other elements of an expanded marketing and public relations plan that will result in a cost effective collection of actions that will result in increased community awareness of the WIA programs, resources and partnerships. The proposal should provide estimates of the amount of time each recommended action could be completed.

Attachment B (continued)

4) Information regarding Proposed Fees for Services

The proposed contractor's fee and back-up information to provide details of the costs proposed must be provided in a budget format that identifies all proposed costs and contractor's fee (profit). No standard budget format is included in this RFP, each proposer should provide a clearly written presentation (budget) of proposed costs and proposed contractor's fee.



State of Alabama Disclosure Statement

(Required by Act 2001-955)

ENTITY COMPLETING FORM

ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

()

STATE AGENCY/DEPARTMENT THAT WILL RECEIVE GOODS, SERVICES, OR IS RESPONSIBLE FOR GRANT AWARD

ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

()

This form is provided with:

☐

Contract

☐

Proposal

☐

Request for Proposal

☐

Invitation to Bid

☐

Grant Proposal

Have you or any of your partners, divisions, or any related business units previously performed work or provided goods to any State Agency/Department in the current or last fiscal year?

☐

Yes

☐

No

If yes, identify below the State Agency/Department that received the goods or services, the type(s) of goods or services previously provided, and the amount received for the provision of such goods or services.

STATE AGENCY/DEPARTMENT	TYPE OF GOODS/SERVICES	AMOUNT RECEIVED
-------------------------	------------------------	-----------------

Have you or any of your partners, divisions, or any related business units previously applied and received any grants from any State Agency/Department in the current or last fiscal year?

☐

Yes

☐

No

If yes, identify the State Agency/Department that awarded the grant, the date such grant was awarded, and the amount of the grant.

STATE AGENCY/DEPARTMENT	DATE GRANT AWARDED	AMOUNT OF GRANT
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1. List below the name(s) and address(es) of all public officials/public employees with whom you, members of your immediate family, or any of your employees have a family relationship and who may directly personally benefit financially from the proposed transaction. Identify the State Department/Agency for which the public officials/public employees work. (Attach additional sheets if necessary.)

NAME OF PUBLIC OFFICIAL/EMPLOYEE	ADDRESS	STATE DEPARTMENT/AGENCY
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OVER

2. List below the name(s) and address(es) of all family members of public officials/public employees with whom you, members of your immediate family, or any of your employees have a family relationship and who may directly personally benefit financially from the proposed transaction. Identify the public officials/public employees and State Department/Agency for which the public officials/public employees work. (Attach additional sheets if necessary.)

NAME OF FAMILY MEMBER	ADDRESS	NAME OF PUBLIC OFFICIAL/ PUBLIC EMPLOYEE	STATE DEPARTMENT/ AGENCY WHERE EMPLOYED
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If you identified individuals in items one and/or two above, describe in detail below the direct financial benefit to be gained by the public officials, public employees, and/or their family members as the result of the contract, proposal, request for proposal, invitation to bid, or grant proposal. (Attach additional sheets if necessary.)

Describe in detail below any indirect financial benefits to be gained by any public official, public employee, and/or family members of the public official or public employee as the result of the contract, proposal, request for proposal, invitation to bid, or grant proposal. (Attach additional sheets if necessary.)

List below the name(s) and address(es) of all paid consultants and/or lobbyists utilized to obtain the contract, proposal, request for proposal, invitation to bid, or grant proposal:

NAME OF PAID CONSULTANT/LOBBYIST	ADDRESS
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By signing below, I certify under oath and penalty of perjury that all statements on or attached to this form are true and correct to the best of my knowledge. I further understand that a civil penalty of ten percent (10%) of the amount of the transaction, not to exceed \$10,000.00, is applied for knowingly providing incorrect or misleading information.

Signature _____ Date _____

Notary's Signature _____ Date _____ Date Notary Expires _____

Act 2001-955 requires the disclosure statement to be completed and filed with all proposals, bids, contracts, or grant proposals to the State of Alabama in excess of \$5,000.

Vendor Disclosure Statement Information and Instructions

Act 2001-955 requires the disclosure statement to be completed and filed with all proposals, bids, contracts, or grant proposals to the State of Alabama in excess of \$5,000. The disclosure statement is not required for contracts for gas, water, and electric services where no competition exists, or where rates are fixed by law or ordinance. In circumstances where a contract is awarded by competitive bid, the disclosure statement shall be required only from the person receiving the contract and shall be submitted within ten (10) days of the award.

A copy of the disclosure statement shall be filed with the awarding entity and the Department of Examiners of Public Accounts and if it pertains to a state contract, a copy shall be submitted to the Contract Review Permanent Legislative Oversight Committee. The address for the Department of Examiners of Public Accounts is as follows: 50 N. Ripley Street, Room 3201, Montgomery, Alabama 36130-2101. If the disclosure statement is filed with a contract, the awarding entity should include a copy with the contract when it is presented to the Contract Review Permanent Legislative Oversight Committee.

The State of Alabama shall not enter into any contract or appropriate any public funds with any person who refuses to provide information required by Act 2001-955.

Pursuant to Act 2001-955, any person who knowingly provides misleading or incorrect information on the disclosure statement shall be subject to a civil penalty of ten percent (10%) of the amount of the transaction, not to exceed \$10,000.00. Also, the contract or grant shall be voidable by the awarding entity.

Definitions as Provided in Act 2001-955

Family Member of a Public Employee - The spouse or a dependent of the public employee.

Family Member of a Public Official - The spouse, a dependent, an adult child and his or her spouse, a parent, a spouse's parents, a sibling and his or her spouse, of the public official.

Family Relationship - A person has a family relationship with a public official or public employee if the person is a family member of the public official or public employee.

Person - An individual, firm, partnership, association, joint venture, cooperative, or corporation, or any other group or combination acting in concert.

Public Official and Public Employee - These terms shall have the same meanings ascribed to them in Sections 36-25-1(23) and 36-25-1(24), Code of Alabama 1975, (see below) except for the purposes of the disclosure requirements of this act, the terms shall only include persons in a position to influence the awarding of a grant or contract who are affiliated with the awarding entity. Notwithstanding the foregoing, these terms shall also include the Governor, Lieutenant Governor, members of the cabinet of the Governor, and members of the Legislature.

Section 36-25-1(23), Code of Alabama 1975, defines a public employee as any person employed at the state, county or municipal level of government or their instrumentalities, including governmental corporations and authorities, but excluding employees of hospitals or other health care corporations including contract employees of those hospitals or other health care corporations, who is paid in whole or in part from state, county, or municipal funds. For purposes of this chapter, a public employee does not include a person employed on a part-time basis whose employment is limited to providing professional services other than lobbying, the compensation for which constitutes less than 50 percent of the part-time employee's income.

Section 36-25-1(24), Code of Alabama 1975, defines a public official as any person elected to public office, whether or not that person has taken office, by the vote of the people at state, county, or municipal level of government or their instrumentalities, including governmental corporations, and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities, including governmental corporations. For purposes of this chapter, a public official includes the chairs and vice-chairs or the equivalent offices of each state political party as defined in Section 17-16-2, Code of Alabama 1975.

Instructions

Complete all lines as indicated. If an item does not apply, denote N/A (not applicable). If you cannot include required information in the space provided, attach additional sheets as necessary.

The form must be signed, dated, and notarized prior to submission.

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type See Specific Instructions on page 2.	Name	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶	<input type="checkbox"/> Exempt from backup withholding
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN).
However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 3.

Note: If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number								
			+		+			
or								
Employer identification number								
	+							

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), **and**
2. I am not subject to backup withholding because: **(a)** I am exempt from backup withholding, or **(b)** I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or **(c)** the IRS has notified me that I am no longer subject to backup withholding, **and**
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign
Here

Signature of
U.S. person ▶

Date ▶

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Foreign person. If you are a foreign person, use the appropriate Form W-8 (see **Pub. 515**, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien.

Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a **nonresident alien or a foreign entity** not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 30% of such payments (29% **after** December 31, 2003; 28% **after** December 31, 2005). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will **not** be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester, or
2. You do not certify your TIN when required (see the Part II instructions on page 4 for details), or
3. The IRS tells the requester that you furnished an incorrect TIN, or
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate **Instructions for the Requester of Form W-9**.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your **individual** name as shown on your social security card on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, **enter the owner's name on the "Name" line.** Enter the LLC's name on the "Business name" line.

Other entities. Enter your business name as shown on required Federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Note: *You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).*

Exempt From Backup Withholding

If you are exempt, enter your name as described above and check the appropriate box for your status, then check the "Exempt from backup withholding" box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note: *If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.*

Exempt payees. Backup withholding is **not required** on any payments made to the following payees:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2);
2. The United States or any of its agencies or instrumentalities;
3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities;
4. A foreign government or any of its political subdivisions, agencies, or instrumentalities; or
5. An international organization or any of its agencies or instrumentalities.

Other payees that **may be exempt** from backup withholding include:

6. A corporation;
7. A foreign central bank of issue;
8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States;

9. A futures commission merchant registered with the Commodity Futures Trading Commission;
10. A real estate investment trust;
11. An entity registered at all times during the tax year under the Investment Company Act of 1940;
12. A common trust fund operated by a bank under section 584(a);
13. A financial institution;
14. A middleman known in the investment community as a nominee or custodian; or
15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt recipients listed above, 1 through 15.

If the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt recipients except for 9
Broker transactions	Exempt recipients 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt recipients 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt recipients 1 through 7 ²

¹ See **Form 1099-MISC**, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are **not exempt** from backup withholding: medical and health care payments, attorneys' fees; and payments for services paid by a Federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a **resident alien** and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see **How to get a TIN** below.

If you are a **sole proprietor** and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-owner **LLC** that is disregarded as an entity separate from its owner (see **Limited liability company (LLC)** on page 2), enter your SSN (or EIN, if you have one). If the LLC is a corporation, partnership, etc., enter the entity's EIN.

Note: See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get **Form SS-5**, Application for a Social Security Card, from your local Social Security Administration office or get this form on-line at www.ssa.gov/online/ss5.html. You may also get this form by calling 1-800-772-1213. Use **Form W-7**, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or **Form SS-4**, Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS Web Site at www.irs.gov.

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 3, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt recipients, see **Exempt from backup withholding** on page 2.

Signature requirements. Complete the certification as indicated in 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA or Archer MSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship or single-owner LLC	The owner ³
For this type of account:	Give name and EIN of:
6. Sole proprietorship or single-owner LLC	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ **You must show your individual name**, but you may also enter your business or "DBA" name. You may use either your SSN or EIN (if you have one).

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: *If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.*

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA or Archer MSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, or to Federal and state agencies to enforce Federal nontax criminal laws and to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 30% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.



TO: Potential Service Provider:

Our agency/organization fully understands that any work performed prior to receipt of a signed agreement from the Alabama Department of Economic and Community Affairs (ADECA) for services, as stated in the written agreement, constitutes "at risk work." "At risk work" is defined as work for which your agency/organization will not be paid (by ADECA) unless a written agreement covering the nature of the work and the time period of the work is fully executed by all parties.

It is further understood that only the Governor or his designee may approve written agreements for services to be provided to ADECA.

Signature - Agency/Organization's
Authorized Signatory Official

Date

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION
LOWER TIER COVERED TRANSACTIONS**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

**(BEFORE COMPLETING CERTIFICATION, READ ATTACHED INSTRUCTIONS
WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION)**

- (1) The prospective recipient of Federal assistance funds certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

- (2) Where the prospective recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative

Signature

Date

Instructions for Certification

1. By signing and submitting this proposal, the prospective recipient of Federal assistance funds is providing the certification as set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department of Labor (DOL) may pursue available remedies, including suspension and/or debarment.
3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective recipient of Federal assistance funds learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms “covered transaction”, “debarred”, “suspended”, “ineligible”, “lower tier covered transaction”, “participant”, “person”, “primary covered transaction”, “principal”, “proposal”, and “voluntarily excluded”, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules and implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the DOL.
6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions”, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required, to check the List of Parties Excluded from Procurement or Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the DOL may pursue available remedies, including suspension and/or debarment.